

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL CASEY,

Defendant.

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Case No. 8:05CR330

**REPORT AND RECOMMENDATION  
AND ORDER**

At the conclusion of the hearing on January 6, 2006, on defendant's Motion to Dismiss (#16), I stated my conclusions on the record and my decision to recommend that the motion to dismiss be granted in part and denied in part. In accordance with that announcement,

**IT IS RECOMMENDED** to the Honorable Laurie Smith Camp, United States District Judge, that the Motion to Dismiss (#16) be granted in part and denied in part.

**FURTHER, IT IS ORDERED:**

1. The clerk shall cause an expedited transcript of the hearing to be prepared and filed.

2. Pursuant to NECrimR 57.3, any objection to this Report and Recommendation shall be filed with the Clerk of the Court within ten (10) days after the transcript is available to counsel. Failure to timely object may constitute a waiver of any such objection. The brief in support of any objection shall be filed at the time of filing such objection. Failure to file a brief in support of any objection may be deemed an abandonment of the objection.

Dated this 6<sup>th</sup> day of January 2006.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge